

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Omaha District, South Dakota Regulatory Office
200330327

REGULATORY PROJECT MANAGER:

Jim Oehlerking

Date: 8/4/2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office N (Y/N)

Date: _____

At the project site Y (Y/N) Date: 10/14/2003

PROJECT LOCATION INFORMATION:

State:

South Dakota

County:

Lincoln

Center coordinates of site by latitude & longitudinal coordinates:

Lat 43-28-39.0854 Long 96-39-0.2047

Approximate size of site/property (including uplands & in acres):

12.0 acres

Name of waterway or watershed:

wetland

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X/2								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X/2		
Is or would be used as habitat by other migratory birds that cross state lines?			X/2		
Is or would be used as habitat for endangered species?				X/2	
Is used to irrigate crops sold in interstate commerce?				X/2	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☒.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The development site is currently non-tilled within an existing housing development. The site contains three wetlands, two of which are isolated/non jurisdictional at 0.01 and 0.20 acres respectively, and one wetland which is a temporary class wetland of approximately 0.48 acres in size. The NRCS and NWI wetland maps, the USGS Quad. map, aerial photos and on-site investigation was utilized to make the JD determination; the jurisdictional wetland has a surface hydro. connection to the Big Sioux River; the two isolated wetlands have no surface hydro connection to WofUS and no viable ICC.